

**COMBINED DECLARATION AND POWER OF ATTORNEY
IN ORIGINAL APPLICATION
(CONCERNING A FILING UNDER 35 USC 371)**

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name,

I believe that I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled _____

METHOD FOR THE PRODUCTION OF NITRIC ACID

the specification of which

 X is a filing under 35 USC 371 of PCT International Application No.
 PCT/ EP03/01538 filed 15 February 2003 .
 is attached hereto.
 was filed on _____ as U.S. Application Number
_____ and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56,

 X and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent; and
 if this is a continuation-in-part application, information that occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application, in accordance with 37 CFR 1.63(e); and
 in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 CFR 1.98.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-art applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, inventor's or plant breeder's certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

			Priority Claimed	
<u>102 07 627.8</u>	<u>Germany</u>	<u>22 February 2002</u>	<u>X</u>	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith with full power of substitution and revocation: Donald A. Schurr, Reg. No. 34,247; Phillip S. Oberlin, Reg. No. 19,066; D. Edward Dolgorukov, Reg. No. 26,266; Mark A. Hixon, Reg. No. 44,766; Stephen P. Evans, Reg. No. 47,281; and Stephen G. Kimmet, Reg. No. 52,488. Address all telephone calls to Mark A. Hixon at telephone number 419-249- 7114. Address all correspondence to MARSHALL & MELHORN, LLC, Four Seagate - 8th Floor, Toledo, Ohio 43604, Attention: Mark A. Hixon.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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